

YOUTH SERVICES POLICY

Title: Crimes Committed on the Grounds of Youth Services Facilities/Office Buildings and/or Properties Next Annual Review Date: 03/29/2014	Type: C. Field Operations Sub Type: 1. General Number: C.1.3
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References: La. R.S. 24:523 and 40:1379.1; La. Children's Code Articles 898 (C) (3) and 900 (C) (2); ACA Standards 4-JCF-3C-16 and 4-JCF-3D-07 (Performance Based Standards for Juvenile Correctional Facilities); YS Policy Nos. A.1.4 "Investigative Services", A.2.1 "Employee Manual", and C.5.1 "Performance Data and Information"	
STATUS: Approved	
Approved By: Mary L. Livers, Deputy Secretary	Date of Approval: 03/29/2012

I. AUTHORITY:

Deputy Secretary of Youth Services as contained in La. R.S. 36:405. Deviation from this policy must be approved by the Deputy Secretary.

II. PURPOSE:

To establish policy regarding the investigation, reporting, and prosecution of crimes committed by any person at a Youth Services (YS) office or facility.

III. APPLICABILITY:

All employees of Youth Services. Unit Heads are responsible for ensuring that the investigating and reporting requirements described herein are met.

IV. DEFINITIONS:

Investigative Services - The internal investigation section of OJJ.

Serious Injury - any injury that threatens a youth or employee's life or limb, or that requires urgent treatment by a doctor, severely restricts the youth or employee's usual activities, or requires follow-up by a doctor.

Unit Head - Deputy Secretary, Assistant Secretary, Undersecretary, Chief of Operations, Deputy Assistant Secretaries, Facility Directors and Regional Managers.

Unusual Occurrence Report (UOR) -A document that must be completed by any employee involved in a use of physical interventions incident, any employee that witnesses such an incident, any employee that is in the area of such incident, and any employee who is told by a youth of such an incident. A UOR must also be completed by all employees witnessing any occurrence out of the ordinary, regardless of the magnitude of that occurrence.

Youth - refers to anyone committed to the custody of or under the supervision of YS.

YS Employee - For the purposes of this policy, a YS employee includes employees, contractors, visitors, volunteers or interns.

YS Internal Auditor - An employee of Central Office, who is responsible for conducting audits throughout YS to ensure compliance with state financial laws, regulations, policies and procedures.

YS Commissioned Employee - An employee of YS, who is also duly and properly commissioned by the Louisiana State Police pursuant to La. R.S. 40:1379.1.

V. POLICY:

It is the Deputy Secretary's policy that criminal acts which may occur at a YS office or facility are serious matters and shall be reported, investigated and documented, whether the alleged perpetrator is a youth, an employee or any other person present at the YS location. The decision to refer prosecution of these acts shall be made on a case-by-case basis, and reported to the appropriate officials and agencies when deemed necessary. The Deputy Secretary/designee must give approval before Investigative Services (IS) commissioned employees, pursuant to La. R.S. 40:1379.1, may arrest any person or contact local law enforcement to effect the arrest.

VI. CRIMES COMMITTED BY YOUTH IN SECURE CARE FACILITIES:

- A. If a YS employee has knowledge of any kind about a criminal act allegedly committed by a youth, he must immediately report it to his supervisor and submit an Unusual Occurrence Report (UOR) prior to the end of his tour of duty.
- B. Upon being notified by the employee, the following steps shall be taken:
 - 1. The supervisor shall immediately contact the Facility Director and a facility IS investigator.
 - 2. The Facility IS investigator shall contact the Director of IS to determine whether an investigation shall commence immediately.
 - 3. The Director of IS shall contact the Chief of Operations to advise of the incident.
 - 4. The Chief of Operations shall consult with the Deputy Assistant Secretary (DAS)/Facilities and the Deputy Secretary to render a joint determination as to the immediate arrest of the youth. Their decision shall be communicated to the Facility Director.
 - 5. The Facility Director shall contact local law enforcement to effect the arrest if the decision is made within four (4) hours of the incident. Otherwise, IS staff shall effect the arrest.

6. Upon arrest by either local law enforcement or IS, the Director of IS shall contact the YS Communications Director.
- C. The Facility Director shall ensure that the youth's record is updated to indicate that a detainer has been placed by creating an Alert in JETS.
- D. If the decision is made **not to immediately arrest** the youth, IS shall further investigate the incident and the following steps shall be taken:
 1. The Director of IS shall contact the Chief of Operations.
 2. The Chief of Operations shall discuss the results of the investigation with the DAS/Facilities and the Deputy Secretary to render a joint decision as to whether or not IS shall effect an arrest, taking into account the youth's mental health status.
 3. If the decision to arrest is made, the facility IS shall advise the local sheriff's office/detention center of the youth's mental health status, if applicable.

VII. OJJ CHARGES AGAINST SECURE CARE YOUTH:

- A. Not every incident that may be a criminal offense rises to a level that requires referral for prosecution.
- B. Incidents resulting in serious injury shall be referred for prosecution.
- C. Incidents not meeting the criterion outlined in B. above shall be referred for prosecution only with the approval of the Deputy Secretary.
- D. The Unit Head shall notify secure care or CBS employees who are victims of the offense in writing utilizing the attached form letter [see Attachment C.1.3(a)], within 10 working days of OJJ's decision to refer the matter for prosecution.

VIII. YS EMPLOYEES PRESS CHARGES WHERE OJJ DECLINES TO REFER:

- A. There may be cases when a YS employee believes that their injury from a certain incident merits review by local law enforcement for possible criminal prosecution when OJJ will not be referring that matter for possible prosecution.
- B. When an injured employee gets written notice that the incident will not be referred for prosecution and they wish to press charges, they shall contact the Facility Director who shall schedule a meeting between the employee, the DAS/Facilities and the DAS/CBS if applicable, and him to go over the incident and the evidence.

- C. If after this conference the employee still plans on pressing charges, he/she shall notify the Facility Director of this decision.

IX. TRANSFER OF SECURE CARE YOUTH TO A DOC FACILITY:

If a youth 17 years of age or older assigned to a secure care facility commits a felony-grade offense, the youth shall be arrested and charged as an adult. If the youth is convicted of a felony in adult criminal court, the Facility Director may recommend to the Deputy Secretary that the youth be transferred to the Department of Corrections to begin serving his adult sentence in accordance with La. Children's Code Article 898 (C) (3).

X. DETAINERS:

The Facility Director shall initiate a detainer on all youth booked for further pending charges upon release who remain in detention or at a parish jail. In most cases following booking at the detention facility the youth will be returned to the YS facility. In cases following booking at the parish jail (for youth over age 17), depending on the crime and the capacity of the jail, the youth may be detained in the parish prison.

XI. CRIMES COMMITTED AT THE REGIONAL OFFICE BY YOUTH UNDER SUPERVISION:

- A. If a YS employee has been the victim of or has knowledge of a criminal act committed at a regional office by a youth under supervision, he must immediately report it to his supervisor and submit a UOR prior to the end of his tour of duty (unless the youth has been arrested or taken into custody for the alleged criminal act).
- B. The PPS/J shall immediately advise the Regional Manager, who shall verbally contact the DAS/Community Based Services (CBS).
- C. The Regional Manager and the DAS/CBS shall confer concerning contacting local law enforcement in the jurisdiction in which the crime occurred.

XII. CRIMES COMMITTED BY A YS EMPLOYEE OR OTHER PERSON:

- A. If a YS employee has knowledge of any kind about a criminal act allegedly committed by a YS employee or any other person in a YS facility/office, he must immediately report it to his supervisor and submit a UOR prior to the end of his tour of duty.

- B. The supervisor shall immediately verbally contact a facility investigator or the Director of IS, if applicable, and provide them with a copy of the UOR when it is available. The IS investigator shall contact the Director of IS, who shall contact the Chief of Operations and the appropriate Deputy Assistant Secretary.
- C. The Chief of Operations shall contact the Deputy Secretary to confer and make a joint determination as to whether or not to effect an immediate arrest, and whether IS or local law enforcement shall make the arrest.
- D. If the decision is made to have the person arrested immediately, the Director of IS shall advise the Unit Head and the YS Communications Director.
- E. IS shall conduct an investigation of the situation and upon completion, forward a copy to the Chief of Operations and the YS Internal Auditor.

XIII. PROPERTY OFFENSES COMMITTED BY YS EMPLOYEES OR OTHERS:

If the crime is a property offense, the following additional procedures shall apply:

- A. The YS Internal Auditor shall review the IS report, and in collaboration with IS shall investigate substantiated property offenses committed against the state.
- B. The YS Internal Auditor shall complete a separate report of his findings. Excerpts from and/or references to the Internal Auditor's report shall be included in the IS investigative report, which shall be amended when the Internal Auditor's report is completed. The auditor's report shall be submitted to the Deputy Secretary and the Chief of Operations for review.
- C. The Deputy Secretary shall give written notice to the Legislative Auditor and the District Attorney of the parish in which a property offense was committed against the state as required by La. R.S. 24:523.

XIV. QUALITY ASSURANCE:

- A. Secure Care Facilities
 - 1. The Control Center shall maintain an arrest log of all youth arrest made or Summons issued indicating the following information:
 - a. date of arrests/Summons;
 - b. youth name;
 - c. JETS number;
 - d. date of incident;
 - e. place of incident; and
 - f. violation charged with.

2. Facility IS shall maintain an arrest log of all IS related secure care employee arrest made indicating the following information:

- a. date of arrests;
- b. IS case number;
- c. employee name;
- d. date of incident;
- e. place of incident; and
- f. rule violation(s).

B. Community Based Services

1. Regional Managers shall maintain a CBS employee arrest log for employee arrests indicating the following information:

- a. date of arrests;
- b. employee name;
- c. violation(s);
- d. self reported: Yes _____ No

C. Central Office IS

1. CO IS shall maintain an arrest log of all IS related CO employee arrests made indicating the following information:

- a. date of arrests;
- b. IS case number;
- c. employee name;
- d. date of incident; and
- e. rule violation(s).

XV. REPORTING REQUIREMENTS:

- A. IS shall prepare a monthly summary of all arrests made on the grounds of YS secure care facilities, office buildings and/or properties, and any District Attorney referrals accepted or denied.
- B. The monthly summary shall also be submitted to the Deputy Secretary, Chief of Operations and the Facility/CBS Regional Office ACA Accreditation Managers, if applicable.

Previous Regulation/Policy Number: C.1.3

Previous Effective Date: 8/26/04



Attachments/References: C.1.3(a) Employee Notification Form Letter 3-12.docx